UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,464	12/13/2000	Thorsten Laux	P-4589	9684

7590 10/27/2004	EXAMINER
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ART UNIT	PAPER NUMBER
2126	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
Office Action Summary	09/738,464	LAUX, THORSTEN	
	Examiner	Art Unit	
	Li B. Zhen	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 July 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>7/7/2004</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-17 are pending in the current application.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

3.   **Claims 11 and 12 rejected under 35 U.S.C. 102(b) as being anticipated by**

U.S. Patent No. 5,475,836 to Harris et al. [hereinafter Harris, recited in previous

office action].

4.   As to claim 11, Harris teaches a system comprising:

a plurality of data sources [set of one or more external databases 8(1) through

8(X+L), Fig. 1; col. 4, lines 6 – 19];

a driver for each data source in the plurality of data sources [or more drivers 6(1)

through 6(M), Fig. 1; col. 4, lines 6 – 19] thereby forming a plurality of drivers wherein

each driver has a substantially identical driver application programming interface [see

Abstract, Fig. 1]; and

a merging driver [interface 2, Fig. 1; col. 4, lines 6 – 19] coupled to each driver in

the plurality of drivers through the driver application programming interface [col. 3, lines

23 – 26]. Examiner notes that this claim, unlike claims 1, 6 and 13, does not require the

merger driver to access each driver in the plurality of separate device drivers through an

API in response to a single access operation, therefore this claim remains rejected as

anticipated by Harris.

5.   As to claim 12, Harris teaches one data source in the plurality of data sources is

a merging data source [col. 4, lines 8-9 each driver merges results from a plurality of

databases].

6.   **Claims 1, 6, 11, and 13 are rejected under 35 U.S.C. 102(b) as being clearly
anticipated by Tabuchi [WO 97/33239, cited in previous office action].**

7.   As to claims 1, 6, 11, and 13, Tabuchi teaches the invention as claimed including

a method for enabling access of a plurality of data sources by a single access operation

wherein each data source in the plurality of data sources requires a separate driver to

access the data source so that there is a plurality of separate drivers (712-714, Fig. 1),

the method comprising:

using an API for each driver in the plurality of separate drivers, wherein the API is

substantially identical for each of the drivers in the plurality of separate drivers (p. 3, line

32); and

receiving the single access operation by a merging driver (720, Fig. 1) wherein in

response to the single access operation, the merging driver accesses each driver in the

plurality of separate drivers through the API (p. 8, lines 6-17).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   **Claims 1-10 and 13-17 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Harris in view of U.S. Patent No. 6,026,392 to Kouchi et al.

[hereinafter Kouchi].

10.   As to claim 1, Harris teaches the invention substantially as claimed including

enabling access of a plurality of data sources [set of one or more external databases

8(1) through 8(X+L), Fig. 1; col. 4, lines 6 – 19] wherein each data source in the plurality

of data sources requires a separate driver [or more drivers 6(1) through 6(M), Fig. 1;

col. 4, lines 6 – 19] to access the data source so that there is a plurality of separate

drivers [see Abstract, Fig. 1], the method comprising:

        using an application programming interface (API) for each driver in the plurality of

separate drivers, wherein the API is substantially identical for each of the drivers in the

plurality of separate drivers [6(M), Fig. 1; col. 1, lines 45-60; col. 4, lines 28-29].

11.   As to receiving a single access operation by a merging driver, Harris teaches an

API that allows applications to communicate with selected sources of data but does not

specifically teach a merging driver that access each driver in response to a single

access operation.

However, Kouchi teaches enabling access of a plurality of data sources

[accessing, coordinating, or combining data on different information systems; col. 8,

lines 56 - 67] wherein each data source in the plurality of data sources requires a

separate driver to access the data source [various drivers 804b, 804c, 804d, as needed

in connection with analyzing and/or accessing information in a plurality of data sources

806a, 806b, 806c, 806d; col. 8, lines 56 - 67], an application programming interface

(API) for each driver in the plurality of separate drivers [col. 19, lines 13 – 27], receiving

the single access operation [accessing information or for achieving coordination and/or

combination of information in two different information storage systems; col. 2, line 66 –

col. 3, line 27] by a merging driver [main process 802, Fig. 8; col. 8, lines 56 – 67]

wherein in response to the single access operation, the merging driver accesses each

driver in the plurality of separate drivers through the API [main process 802 selectively

activates various drivers 804b, 804c, 804d, as needed in connection with analyzing

and/or accessing information in a plurality of data sources 806a, 806b, 806c, 806d; col.

8, line 56 - col. 9, line 21; col. 10, lines 9 - 36].

12.   It would have been obvious to a person of ordinarily skilled in the art at the time

of the invention to apply the teaching of a merging driver that access each driver in

response to a single access operation as taught by Kouchi to the invention of Harris

because this provides a system in which information in various formats or forms or

organized in various ways can be accessed combined and/or coordinated, while

reducing or eliminating the need for human analysis, thus providing a system which is at least partially automated and preferably less labor-intensive and less time-consumptive than previous methods [col. 2, lines 57 – 64 of Kouchi].

13.   As to claim 2, Harris as modified teaches receiving from a user a selection of each data source to be included in the plurality of data sources [a user is permitted to choose between import and update by providing input; col. 12, lines 7 – 67 of Kouchi].

14.   As to claim 3, Harris teaches a data source in the plurality of data sources that is a merging data source [col. 4, lines 8-9 each driver merges results from a plurality of databases].

15.   As to claim 4, Harris teaches obtaining an ordered result in response to the single access operation [col. 19, line 55 - col. 20, line 8].

16.   As to claim 5, Harris teaches accessing the merging driver through the API [interface 2, Fig. 1; col. 3, line 65 – col. 4, line 29].

17.   As to claims 6 – 10, these are product claims that correspond to method claims 1 – 5; note the rejections to claims 1 – 5 above, which also meet these product claims.

18.   As to claims 13 – 17, these are system claims that correspond to method claims

1 – 5; note the rejections to claims 1 – 5 above, which also meet these system claims.

As to the additional limitations, Harris as modified teaches a processor and a memory

coupled to the processor [col. 9, lines 6 – 21 of Kouchi].

Response to Arguments

19.   Applicant's arguments filed July 7, 2004 have been fully considered but they are

not persuasive.

In response to Non-Final Office Action mailed on April 7, 2004, applicant argues:

(1) Interface 720 is not a merging driver as recited in Claim 1, but instead a user

interface [p. 13, lines 15 – 18] (2) Tabuchi taught that the user must fashion a direct

search request for each selected database and this teaches away from applicant's

invention because in the applicant's invention, the user is not required to fashion a

database specific search criteria for each individual database [p. 13, lines 26 – 32] and

(3) Harris fails to teach a merging driver that access each driver through the API in

response to a single access operation [p. 11, lines 22 – 24 and p. 23 – 32].

As to argument (1), examiner respectfully disagrees and submits that the

interface driver of Tabuchi [p. 8, lines 2 – 5] provides access to multiple databases,

which reads on the claimed merging driver. Although the interface driver of Tabuchi is

associated with a display and provides input from a user, examiner notes that this also

corresponds to the applicant's claimed invention because claims 5, 10 and 17 recites

accessing the merging driver with a user interface API.

In response to argument (2), examiner respectfully notes that the claims recites a single access operation but does not specify if the access operation includes database specific search criteria or not. Therefore, the claims as currently presented do not · preclude the examiner from reading the search request of Tabuchi on applicant's access operation. Additionally, examiner notes that the specification of the current application requires specifying the sources to be accessed [p. 2, lines 24 – 25] which is similar to the invention of Tabuchi.

As to argument (3), examiner respectfully disagrees and submits that claims 11 and 12 does not disclose or suggest a merging driver that access each driver through the API in response to a single access operation. Therefore, applicant's arguments to the Harris reference do not apply to claims 11 and 12. Claim 11 merely teaches a merging driver coupled to each of the plurality of drivers for each data sources and does not disclose or suggest any form of data access. Thus, Harris teaches all the limitations of claims 11 and 12 and the rejection is deemed proper. Examiner notes that even if claim 11 is amended to recite a merging driver that access each driver through the API in response to a single access operation, the combination of Harris and Kouchi would teach the limitations of the claim.

Conclusion

20.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,903,890 to Shoji et al. teaches combining a plurality of single-association databases each associated with a database driver.

U.S. Patent No. 5,588,150 to Lin et al. teaches high performance optimization in a heterogeneous distributed multi-database system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (571) 272-3768. The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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